



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

February 11, 2010

Thelma Melendez de Santa Ana, Ph. D.
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

Dear Dr. Melendez:

The Arizona Department of Education (ADE) respectfully submits this letter to request an amendment to its accountability workbook to allow the use of an extended-year graduation rate in the calculation of AYP for schools and LEAs. This letter also requests a one-year waiver of the Title I, Part A requirement for a local education agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 CFR § 200.37(b)(4)(iv)).

Use of an extended-year graduation rate

Presently, Arizona uses a four-year, adjusted cohort graduation rate to determine AYP for LEAs and schools. We are concerned that the four-year rate does not recognize the work done by our schools to graduate students who require extra time. These are students who due to personal circumstances are unable to graduate in four years with their peers in their cohort. These are students who become pregnant, have trouble with the law, or who are forced to work to support their families. We are concerned that using only a four-year graduation for AYP turns these students into a liability for schools, and has a disproportionately adverse effect on the AYP evaluations of the large number of Arizona schools whose expressed mission is to serve this group of at-risk students.

Arizona proposes to use a weighted average of the four- and five-year adjusted cohort graduation rates for AYP determinations. The weighted average will be calculated as:

$$\text{Weighted Graduation Rate} = 0.6 \times \text{4-year rate} + 0.4 \times \text{5-year rate}.$$

The weighted graduation rate will be used all places of an AYP evaluation where we now use the four-year rate: to determine if schools and LEAs have met the graduation rate target, or have shown sufficient

improvement; and as the additional indicator in safe harbor calculations. The five-year rate will be an adjusted-cohort rate calculated using all the same rules as for the four-year rate, except allowing for the additional year.

Accompanying this letter is a chart comparing four- and five-year graduation rates for schools in Arizona. It shows how the sole use of a four-year rate short-changes the effectiveness of Arizona schools.

Due to the time and resources required to reconfigure the computer programs used for the calculations, we are proposing this amendment for approval now, to be implemented with the AYP determinations to be released at the beginning of the 2011-2012 school year.

Waiver of the 14-day parental notification requirement

Arizona is also requesting a one-year waiver of the Title I, Part A requirement for a local education agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 CFR § 200.37(b)(4)(iv)). This waiver would apply only with respect to students in schools that are newly identified for improvement for the 2010-2011 school year, or that could possibly have exited improvement, corrective action, or restructuring for the 2010-2011 school year.

We are seeking a waiver of this provision because of the late arrival of its math assessments. This year Arizona is implementing a revised math assessment to measure its new math standards. Because of the standard setting for the new test, we will not receive the results until June 11. We have set the following timeline for the release of AYP determinations this year:

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| • Preliminary evaluations released to schools and LEAs | June 21, 2010 |
| • Schools and LEAs may correct data and submit appeals | June 21, 2010-June 30, 2010 |
| • Release of final AYP evaluations | July 21, 2010 |

The opportunity for schools to review and correct the data used in AYP determinations is necessary to ensure that the evaluations are accurate and valid; and we always encourage schools to examine and correct data as soon as possible.

We will make every effort to ensure that the 14-day requirement will be met. LEAs will be advised not to wait for the public release of AYP results to inform parents of their public school choice option. We will also prioritize appeals and attempt to resolve most of them by July 16. This should be sufficient time for the majority of schools in the state to meet the 14-day requirement. This waiver is submitted on behalf of the LEAs whose opening dates are in the first weeks of July.

Arizona has set the following annual measurable objectives in reading and mathematics for the 2009-2010 and 2010-2011 school years:

	Reading AMO (percent passing)		Math AMO (percent passing)	
	2009-10	2010-11	2009-10	2010-11
Grade 3	62.6	71.9	54.6	65.9
Grade 4	56	67	63.2	72.4
Grade 5	54.6	65.9	46.6	59.9
Grade 6	56	67	54.4	65.8
Grade 7	59.2	69.4	58.4	68.8
Grade 8	54.0	65.5	38.0	53.5
High School	48.6	61.4	40	55

Arizona will determine adequate yearly progress based on assessments administered in the 2009-2010 and 2010-2011 school years in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with the growth model approved by the Department. As stated above, Arizona believes that the time allocated to review and correct data allowed it to ensure that school improvement decisions for the 2010-2011 school year will be based on valid and reliable AYP determinations.

Prior to submitting this waiver request, Arizona provided all LEAs in the state and the public with notice and a reasonable opportunity to comment on this request. Arizona provided notice by sending the attached notice to all LEAs, its Title I Committee of Practitioners, and posting the notice on the ADE web site. Copies of all comments received are attached.

Arizona hereby assures that, if it is granted the requested waiver, it and its LEAs will meet the following conditions:

- LEAs within the state will provide notice of public school choice less than 14 days before the school year only with respect to students in schools that are newly identified for improvement for the 2010–2011 school year (based on results of assessments administered in the 2009–2010 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2010–2011 school year (based on results of assessments administered in the 2009–2010 school year) but did not;
- All LEAs within the state will comply with the 14-day notice requirement with respect to students in schools that are already identified for improvement, corrective action, or restructuring and cannot exit that status for the 2010–2011 school year;

- All LEAs within the state will comply with the statutory requirement in section 1116(b) to provide notice of public school choice before the start of the school year;
- The state will encourage all LEAs to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year;
- LEAs that offer public school choice earlier to students in some schools than to students in other schools will reserve a portion of the available transportation slots for students in the schools who receive the later notice, in accordance with the Department's Public School Choice Non-Regulatory Guidance; and
- The state will take all steps necessary to ensure that its assessment schedule and test vendor contract for the 2010–2011 school year (and beyond) will permit LEAs within the state to provide notice of public school choice sufficiently in advance of, but no later than 14 days before, the start of the 2011–2012 school year (and all subsequent school years).

Arizona will ensure compliance with these conditions by providing appropriate guidance to its LEAs. Arizona will issue guidance to schools regarding their obligations for this year, and will continue to remind schools of their obligation via memos and training sessions.

Arizona further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that provides the total number of LEAs within the state that had schools that entered or exited improvement status in the 2010–2011 school year, and the total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2010–2011 school year.

Please feel free to contact me by phone or email at Robert.franciosi@azed.gov if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Robert Franciosi Ph.D.
Deputy Associate Superintendent
Research and Evaluation
Arizona Department of Education

attachments